

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

UNITED STATES OF AMERICA, by
RAMSEY CLARK, Attorney General

vs.

BOARD OF EDUCATION, INDEPENDENT SCHOOL
DISTRICT NO. 1, TULSA COUNTY, OKLAHOMA;
CHARLES C. MASON, Superintendent of Schools;
RAY CONARD, President of the Board of Edu-
cation; W. H. SADLER, JR., ROBERT A.
BECKSTROM, CARL C. BEESLEY, MRS. OPAL
CARLLSON, ROBERT J. RIGGS, JR., and MRS.
VIRGIL O. WOOD, Members of the Board of
Education, Independent School District
No. 1, Tulsa, County, Oklahoma

INTERVENORS:

Mr. & Mrs. O. L. Smith, Mr. & Mrs. P. L.
FORD, Mr. & Mrs. Wilbert G. REED, Mrs. Ida
Mae HARRIS, Mr. & Mrs. Benjamin SURRATT,
Mr. & Mrs. Johnnie SEALS, Mr. & Mrs. Roosevelt
KING, and Mrs. Maxine Wilma BURR: Julie
Wilkerson, Jeff Wilkerson, Tina Marie Pickle,
Cristy Lynn Pickle, Leight Ann Copeland, and
Teresa Louise Copeland, and Anna Marie Chupp,
and Peggy Lee Chupp.

Gerald Kamins 582-2244
217 W. 5th
Tulsa, Okla.

Stephen Jones, Gen. Counsel
Okla. Civil Liberties Union
P. O. Box 3339
Enid, Okla. 73701 233-432

ATTORNEYS

John D. Leshy
For plaintiff: Bernard H. Shapiro
~~Charles Quintance, Attorney~~
~~Leigh H. Taylor, Attorney~~
Department of Justice
Washington, D. C. 20530
Bernard H. Shapiro

~~Lawrence A. McSoud~~ Nathan G. Graham
C.B. Savage (Intervenors Julie Wilke
Savage, O'Donnell & McNulty rson
1001 Petroleum Club Building etal
Tulsa, Oklahoma 74119 584-4716

Nathan G. Graham
460 U. S. Courthouse, Tulsa, 74103

For defendant:

Continued Last Page

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~~345 South Main, Oklahoma 74103 (McFarlin Bldg.)~~
585-9211

James O. Goodwin, 1417 No. Greenwood
Tulsa, Oklahoma 74106

Waldo E. Jones, II, 1440 N. Lansing Av
Tulsa, Oklahoma 74106 A

John W. Walker, 1820 W. 13th St.
Little Rock, Ark 72202

Jack Greenberg, James M. Nabrit, III,
Norman J. Chachkin, & Sylvia Drew
10 Columbus Circle, Suite 2030

STATISTICAL RECORD	COSTS	N. Y. DATE	N. Y. RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1-68 11-1-70 5-1-74	Clerk	7-20-71	Goodwin	5 00	
		7-22-71	C.D.No.5		5 00
		11-2-71	Goodwin	5 00	
		11-3-71	CD 21		5.00
J.S. 6 mailed 5-1-69 9-3-71 12-1-83	Marshal	8/8/72	Livingston	5.00	
		8-10-72	C.D.No. 7		5 00
Basis of Action: Injunction	Docket fee	8-18-72	McNulty	5 00	
		8-24-72	CD 9		5 00
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-30-68	Complaint filed. Summons issued. w	
7-30-68	Notice of motion and motion for preliminary injunction, filed. w	
7-30-68	Memorandum of points and authorities in support of plaintiff's motion for a preliminary injunction, filed. w	
8-1-68	Ordered that case is set for hearing on plaintiff's motion for preliminary injunction on Thurs., Aug. 8, 1968, at 2:00 p.m. (FD-J)w	
8-2-68	Return on summons filed. Served Ray Conard and Board of Education School District No. 1, Tulsa Co. Okla, et al at Tulsa, Oklahoma, on 7-30-68. (\$22.08) Served Robert J. Riggs, Jr. at Tulsa, Okla, on 7-30-68. (\$9.00) Served Charles C. Mason, Supt of Schools at Tulsa, Oklahoma, on 7-31-68. (\$10.20) Served Mrs. Virgil O. Wood at Tulsa, Oklahoma, on 7-30-68. (\$9.00). Served W. H. Sadler, Jr. at Tulsa, Oklahoma, on 7-30-68. (\$11.64) Served Mrs. Opal Carllson at Tulsa, Oklahoma, on 7-30-68. (\$9.00). Served Carl C. Beesley at Tulaa, Oklahoma, on 7-30-68. (\$9.00).	
8-6-68	Motion for production of documents, affidavit and memorandum of points and authorities, of plaintiff, filed. w	
8-6-68	Defendants' answer to motion for preliminary injunction, filed. b	
8-7-68	At Oklahoma City, Oklahoma. Parties each represented by counsel and by mutual agreement, waived venue and the presence of a Court Reporter and Court Clerk and hearing held on plaintiff's motion under Rule 34 for production for inspection and copying of reports. (Fred Daugherty-Judge) b	
8-8-68	Order filed, ruling on plaintiff's motion for production for inspection and copying of reports, etc. (Fred Daugherty - Judge) b	
8-8-68	Deposition of Byron L. Shepherd taken by plaintiff before Larry Marks, CSR at Tulsa, Oklahoma, filed. b	
8-9-68	Return on civil subpoenas (9) filed. Executed by serving Mrs. Deloris McCutchen, Mrs. Rita Jean Wheat, H.H. Edwards, Mrs. Anne F. Wood, Dr. Wm. Young, Mrs. Joyce Victory, Mrs. Geneva Parker, Mr. Tollie Moore, Mr. Sam McGowan all at Tulsa, Oklahoma on 8-7-68. h(USM \$23.76)	
8-9-68	Return on Civil Subpoena filed. Executed by serving Mrs. Fern E. Green at Tulsa, Oklahoma on 8-8-68. (USM \$2.00)	
8-9-68	Return on service of subpoena filed. Executed by serving Dr. Charles C. Mason at Tulsa, Oklahoma on 8-7-68. h(USM \$2.00)h	
8-8-68	Hearing held on plaintiff's motion for preliminary injunction. Court finds that no preliminary injunction should issue. Ordered by the Court that the motion of the plaintiff for preliminary injunction is denied. (Fred Daugherty - Judge) (Lee Cook-CSR) b	
8-8-68	Supplemental stipulation number one, filed in open Court. b	
8-16-68	Motion For Production of Documents, filed, with Affidavit & Memorandum of Points & Authorities attached. js	
8-19-68	Defendants' answer, filed. b	
8-21-68	Defendants' answer to motion for production of documents, filed. w	
8-21-68	Memorandum of points and authorities in opposition to motion for production of documents, filed. w	
8-22-68	Supplemental answer to motion for production of documents, filed. w	
8-22-68	Ordered by the Court that the plaintiff file reply brief to defendants' answer to plaintiff's motion for production of documents under Rule 34, within 10 days. (Fred Daugherty - Judge) b	
8-23-68	Return on service of writ, filed. Served Robert A. Beckstrom in Tulsa, Okla. on 8-23-68. (Fees: \$14.04) w	
8-29-68	Ordered by the Court that this case is set for pre-trial on Wednesday, September 4, 1968, at 2:00 p.m. (FD-J)w	
9-3-68	Plaintiff's reply memorandum of points and authorities in support of plaintiff's motion for production of documents, filed.	

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Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-4-68	Defendant's memorandum brief and statement for pre-trial hearing, filed in open court. w	
9-4-68	Pre-trial hearing held; plaintiff's motion for production of documents filed 8-16-68, is granted. Defendants file pre-trial brief in open court. Ordered by the Court that the defendants are granted until September 30, 1968 to file report and until November 20, 1968 to file supplemental report. Defendants to prepare pre-trial order to include discussion of 4 grounds, teachers, transfers, new construction and zoning. (Fred Daugherty-Judge) b	
9-19-68	Order with reference to Motion for Inspection and copying of documents pursuant to Rule 34, filed. (FD-J) ds copies mailed to counsel	
9-19-68	Pre-trial order, filed. (FD-J) ds copies mailed to counsel	
9-27-68	Defendants' first report, filed. w	
11-22-68	Ordered by the Court that the defendants are granted until December 10, 1968 within which to file supplemental report. (Fred Daugherty-Judge) b	
12-2-68	Order extending time for second report; filed. (FD-J) ds, to Dec. 9, 1968	
12-9-68	Second Report of Board of Education, Independent School District No. 1, Tulsa, County, Okla., In compliance with the Order Entered pursuant to the Pre-Trial hearing of Sept. 4, 1968, filed. js	
1-6-69	Case set for non-jury trial on Monday, 2-17-69 at 9:30 a.m. (FD-J)m	
2-6-69	Transcript of evidentiary proceeding on August 8, 1968, filed. g (Lee Cook, Reporter)	
2-13-69	Return on service of Civil Subpoena filed. Executed by serving Dr. Charles Mason on 2-12-69 at Tulsa, Oklahoma h	
2-13-69	Return on service of Civil Subpoena filed. Executed by serving Dr. Charles Mason on 2-12-69 at Tulsa, Oklahoma. h	
2-17-69	Pre-trial memorandum, filed by the plaintiff. b	
2-17-69	Stipulation as to attachments "A" to "T", filed. <i>In Exhibit Room</i>	
2-17-69	Supplemental attachment as to attachment "U", filed. b	
2-17-69	Case tried to the Court on February 17 and 18, 1969. Defendant filed <i>trial memorandum</i> in open court. Case submitted, parties to file requested Findings of Fact and Conclusions of Law simultaneously within 5 days. (Fred Daugherty - Judge) (Lee Cook - CSR) b	
2-17-69	Fifty-Nine (59) civil subpoenas returned and filed. ds	
2-26-69	Proposed Findings of Fact and Conclusions of Law filed by plaintiff.	
2-28-69	Subpoena, returned & filed: served Barbara Miller at Tulsa, 2-17-69.	
3-26-69	2:00 P. M. Memorandum opinion of March 25, 1969, filed; complaint of the plaintiff should be dismissed. Counsel for the defendants will prepare an appropriate judgment in conformity with this memorandum. Copies delivered or mailed to counsel of record. (Fred Daugherty-J) b	
4-1-69	Judgment filed and entered, that complaint is dismissed and defendants shall be permitted the recovery of their costs. (Fred Daugherty - Judge) b Copies mailed to counsel b	
5-29-69	Notice of appeal, by plaintiff, filed. cc to USCA, Rosenstein and Fist.	
7-1-69	Letter of plaintiff re ordering transcript, filed. g	
7-3-69	Vols. I, II & III of appeal record forwarded to USCA. g	
8-4-69	Court reporter's transcript of evidentiary proceedings (non-jury trial), filed. g	
10-29-69	Dismissal of exceptions to Answer of garnishee, filed. ds	
10-16-70	Mandate of USCA, 10th Circuit, reversing judgment and remanding cause for further proceedings in accordance with the opinion, filed and spread of record. m	
10-16-70	Opinion of USCA, 10th Circuit, filed. m	

(Continued on Page 4, Sheet No. 2)

Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-17-71	Letter from parties to Judge Daugherty in regard to filing an amended plan on or before March 5, 1971 and plaintiff have 15 days after it is filed to respond thereto. (Fred Daugherty - Judge) b	
3-5-71	Order filed, that decision of the Court of Appeals for 10th Circuit, this Court is directed to retain jurisdiction of this case until it is clear that Constitutional requirements have been achieved. That defendant shall file on or before 3-5-71 its Amended and Supplemental Plan for the desegregation of the Tulsa Public School System and plaintiff shall be allowed 15 days thereafter or until March 20, 1971 to file a Response to the plan. (Fred Daugherty - Judge) copies mailed to parties and J-D. b	
3-5-71	Defendants' amended plan of desegregation, filed. b <i>mailed copy 3-22-71</i>	
3-22-71	Response of plaintiff to amended plan of desegregation, filed. b <i>mailed copy 3-22-71</i>	
3-29-71	Copy of Judge's letter to plaintiff, filed - that the defendants reply to plaintiff's responses, with authorities within 15 days from date. (FD-Judge) b	
3-29-71	Motion of Susan Wilkerson, et al., to intervene as plaintiffs, filed. (with Complaint in intervention attached) b <i>mailed</i>	
3-29-71	Brief in support of motion to intervene, filed. b <i>mailed</i>	
4-13-71	Reply brief of independent School District Number One of Tulsa County, Oklahoma, filed. b	
4-16-71	Amended reply of Independent School District #1 of Tulsa County, Oklahoma, filed. g	
4-21-71	Order filed that application to intervene is denied. (Fred Daugherty - Judge) copies mailed to counsel b <i>Judge's letter 4-21-71</i>	
5-28-71	Letter dated 5-26-71 from C. H. Rosenstein to Judge Daugherty requesting case be set for pre-trial hearing. m	
5-28-71	Case set for pre-trial 6-15-71 at 10:00 a.m. (FD-J)m	
6-15-71	Partial Pre-Trial Hearing held. Statements made. Hearing on the Deft's. Amended Plan. Pltf. represented; Deft. represented. Court requests that deft. submit a up-to-date statistical list of the Black/White percentages of High Schools, Junior High Schools, and the Elementary Schools. Also, requests 3 maps showing the zone areas of said schools. Pltf. is directed to furnish Deft. information as to their plan. Further Pre-Trial hearing to be set on Monday, 6-28-71 at 1:00 P.M., Pltf. to initiate <i>prepare</i> a Pre-Trial Order. (FD-J)r	
6-25-71	Pre-Trial Order filed. (FD-J)r With attached letter.	
6-28-71	Case called for Pre-Trial Hearing. Parties represented. Court recessed until Wednesday, June 30, 1971 at 2:00 P.M. (FD-J)r	
6-30-71	Pre-Trial Hearing held. Pltfs represented by Bernard H. Shapiro and Hubert Bryant. Defts represented by C. H. Rosenstein and David L. Fist. Statements made. Defendant to prepare a Supplemental Pre-Trial Order. Case to be set on the next Non-Jury Docket approx. the last week in July. To be set at a later date. (FD-J)r	
7-14-71	Case set for Non-Jury Trial (on merits) for Tuesday, July 27, 1971 at 10:00 A.M., (FD-J)	
7-16-71	Motion to Intervene, with attached Complaint of Intervening Petitioners and Brief in support of Motion to Intervene, filed by James O. Goodwin, filed. r	
7-20-71	Order filed. Motion to Intervene is denied. Permission granting Applicants to file a brief Amicus Curiae on or before 7-26-71. (FD-J) Filed. r <i>see to case in depts. page 185-186</i>	

(OVER)

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DATE	PROCEEDINGS	Date Order or Judgment Noted
7-20-71	Notice of appeal by Intervening Petitioners from order of 7-20-71 denying motion to intervene, filed. cpy to USCA, Rosenstein & Fist, Nathan G. Graham, Shapiro, Savage, O'Donnell & McNulty. g	
7-22-71	Letter dated 7-19-71 from Sylvia Drew to J. D. requesting that correction be made on the Brief in support of Motion to Intervene. Filed. r	
7-23-71	Order filed, re agreement and stipulation of Construction, Junior High School Desegregation Plan, Senior High School Desegregation Plan and Washington Senior High School Faculty, filed. (FD-J)r	
7-23-71	Letter dated 7-21-71 from Waldo E. Jones, II to J.D. requesting that they be allowed to file Amicus Curiae after trial set 7-27-71. filed. r	
7-23-71	Copy of letter dated 7-22-71 from J. D. to Waldo E. Jones, II, re the filing of the Amicus Curiae brief after trial. Judge states that matters should be submitted as requested by the Court or else the opportunity may not exist after the trial, filed. r	
7-23-71	Bond for costs on appeal, filed. g (\$250 cash deposited 7-20-71)	
7-23-71	Appeal record (orig. + 3 copies) of petitioning intervenors sent to USCA, Denver. g	
7-28-71	Return on Subpoena, filed. Served Tom W. Woodward, in Tulsa, on 7-28-71. v	
7-28-71	Case called for Non-Jury Trial on July 27, 1971 and July 28, 1971. Pltf. represented by Bernard H. Shapiro; Deft. represented by C. H. Rosenstein and David L. Fist. Statements made. Parties announce that they are ready. Opening statements made by both parties. Witnesses for Deft. Sworn: Jim J. Morton, H. H. Edwards, Ed Coover, and Dr. Gordon Cawelti.. Pltf's witnesses sworn: Tom Woodward and Dr. Herbert Larry Wyncoff (expert). Exhibits admitted No. 70 thru 91 for Pltf. Exhibits admitted No. 9 thru 10 for Deft are in the EXHIBIT ROOM. Both parties rest. No rebuttal. Court recesses until 1:30 P.M., Wednesday, July 28, 1971. - Wednesday, July 28, 1971, case continues with Deft's closing argument. Pltf's has their closing argument. Court adapts the amended plan which was filed by the Deft. on 3-5-71, with the exception of 4 schools being Woods, Johnson, Dunbar & Bunche. Court instructs the School Board to decide what provisions should pertain to these schools since they are considered De Jure systems. (FD-J)r	
8-17-71	Memorandum Opinion Filed. The attorneys for the parties will prepare and submit to the Court a judgment or order based on the foregoing for signature and entry herein. Filed. (FD-J)r	
9-3-71	Judgment filed and entered. The court is without jurisdiction to order desegregation of Burroughs, Emerson, Frost, Hawthorne, and Whitmen Elementary Schools, since these schools are de facto. The Court will retain jurisdiction of this case until such time as it is clear that a unitary system of schools has been achieved by the school district. Filed and Entered. (FD-J)r	
9-28-71	Motion to intervene for purposes of appeal, filed. m	
9-28-71	Brief in support of motion to intervene, filed. m	
9-30-71	Motion of Target Area Action Group, Inc. to intervene for purpose of appeal, filed. m	
9-30-71	Brief in support of motion to intervene, filed. m	
9-30-71	First annual report of School Board, filed. m	
10-6-71	Copy of Letter dated 10-5-71 from J. Daugherty to Mr. Bernard Shapiro, David L. Fist, and Nathan Graham stating that Aaron Lee Smith, etal and Target Area Action Group, Inc. has filed Motions to Intervene.	

(OVER)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	It is desired that the pltf and defts in this case respond to these motions and do so within 10 days from 10-5-71. If the Motions are opposed, it is desired that the response be supported by a brief of authorities relied upon. Filed. r	
10-18-71	Response of Defendant to motions to intervene, filed. v	
10-18-71	Memorandum Brief filed. v	
10-26-71	Response of plaintiff to applicants' motions to intervene for purpose of appeal, filed. ds	
10-26-71	Application for enlargement of time to file supplemental briefs filed by the Intervenor. Filed. r	
10-26-71	Letter from Gerald E. Kamins requesting application for enlargement of time with attys approval. Filed. r	
10-26-71	Order that Intervenor Target Area Action Group, Inc., may file a supplemental brief in this cause on or before 10-29-71. Filed. (FD-J)r	
11-1-71	Order upon consideration of Motions to Intervene for Purpose of Appeal of Aaron Lee Smith, et al and Target Area Action Group, Inc. It is ordered that Aaron Lee Smith is granted as the Movant to intervene. The Motion to Intervene of Target Area Action Group, Inc. be denied. (FD-J) Filed. r <i>Copies Mailed to attys - Air Mail to Shapiro</i>	
11-2-71	Notice of appeal by USA from judgment of 9-3-71 insofar as it applies to elementary schools, filed. cpy to USCA, Shapiro, Savage, O'Donnel & McNulty, C. H. Rosenstein.	
11-2-71	Notice of appeal by Aaron Lee Smith, et al., intervenors, from judgment of 9-3-71. cpy to USCA, Shapiro, Nathan G. Graham, Savage, et al.,	
11-3-71	Bond For Costs on Appeal (O.L. Smith et al) filed. js	
11-3-71	Motion for Disbursement filed by the Intervenor w/ Order granting that bond be exonerated and that the \$250.00 be paid to James O. Goodwin, attorney for the principals and for the surety. Filed. (FD-J)r	
11-15-71	Plan of integration - - Woods, Dunbar, Johnson & Bunche Elementary Schools, filed by deft. m	
11-18-71	Copy of letter dated 11-17-71 from J. D. to Bernard H. Shapiro and Nathan Graham, stating that pltf is to respond to Plan of Integration within 15 days from 11-17-71. Filed. r	
12-2-71	Response of plaintiff to plan of integration, filed. ds	
12-6-71	Reply to Plaintiff's Response to Plan of Elementary School Integration, filed. v <i>Mailed</i>	
12-7-71	C.C. of Order of USCA, 10th Circuit, dismissing appeal of Aaron Lee Smith, et al., Intervenor, on motion of appellants, filed. g	
12-8-71	Motion of plaintiff for extension of time to 1-31-72 to docket appeal, filed. g	
12-9-71	Copy of Letter dated 12-8-71 from J. D. to Attys w/ Dept. of Justice, stating that pltf is to advise the court by Dec. 15 if defts' reply satisfies the pltf 2 reservations about the said proposed plan, filed. r	
12-10-71	Motion for extension of time (filed by Intervenor) filed. r <i>Mailed</i>	
12-13-71	Copy of Letter dated 12-10-71 to Bernard Shapiro from J. D. stating that Motion for Extension of time is granted, extending the time to and including 12-27-71., filed.	
12-13-71	Order extending time to docket appeal to Dec. 27, 1971, filed. cpies mailed.g	
12-15-71	Order filed, granting Motion for extension of time for Intervenor Until December 27, 1971, for transmitting the record of this case to the Court of Appeals, filed. (FD-J)r (Copies Mailed to attys)	
12-20-71	Transcript of trial proceedings on July 27, 1971, filed. (Lee Cook, CSR)g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-21-71	Appeal record (8 vols.) forwarded to USCA, Denver. copies of index sent to counsel. g	
12-27-71	Order filed, regarding the Plan of Elementary School Integration, filed. (FD-J)r (copies mailed to all attys, inc. intervenors)	
5-3-72	Application of def. for stay of order of integration, filed. rm	
5-8-72	Copy of letter dated 5-4-72 from J. D. to Shapiro & Graham stating that it is desired that the Pltf respond to this Appl for Stay of Order within 10 days. If the Appl is opposed it is desired that the Response be accompanied by a brief, filed. r	
5-15-72	Response of the U.S. to Defts' Application for Stay of Implementation, filed. r	
5-15-72	Brief in support of Response of the U.S., filed. r	
5-15-72	Intervenor's Opposition to Motion for Stay of Order, filed. r	
5-23-72	Case set for Hearing of Defts' Appl for stay of Order, on Tuesday 5-30-72	
5-30-72	Hearing on Defts' Application for Stay of Order held. Pltf rep by John Lesby and Brian Landsberg; Deft represented C. H. Rosenstein and David Fist (sch Bd.) Intervenor's rep by James Goodwin and Gerald Kamins. Intervenor's request by oral motion to be heard in hearing, which Court denies. Deft called witness, Gordon Gawelti. Pltf's Exhibit #1 was admitted; Deft's Exhibits #1 thru #6 was admitted. Both in File. Court takes this matter under advisement. (FD-J)r	
6-1-72	Mandate & Opinion of USCA affirming judgment of 9-3-71, filed and spread of record. g	
6-6-72	Appeal record (Vols. 1 thru 8) rec'd from USCA. g	
7-6-72	Letter from Asst. Atty Gen., David Norman filed, and informing court that U.S. has decided not to petition for a writ of certiorari from the Supreme Court to review 5-5-72 decision. (Copies of letter heretofore mailed to counsel of record by U.S.)	
7-13-72	Transcript of Proceedings held on 5-30-72, filed. v (LC-CSR)(with 2 copies)	
7-27-72	Order filed, denying the Defts' Appl for Stay of Order filed on 5-3-72, Filed. (FD-J)r (Copies mailed)	
8-1-72	Motion to Intervene of Julie Wilkerson and Jeff Wilkerson, Tina Marie Pickle and Christy Lynn Pickle, Leigh Ann Copeland and Teresa Louise Copeland, and Anna Marie Chupp and Peggy Lee Chupp, filed with brief in support. v	
8-4-72	Deft's Supplement to Record of Hearing of 5-30-72, filed.	
8-7-72	Order filed. As to intervention to participate in appeal which Movants anticipate the defts will take on Order of Court of 7-27-72 denying a stay, the Court will grant intervention for this limited purpose, on condition that defts do in fact appeal from said Order. If defts do not appeal, the movants are not granted intervention for the purpose of lodging such an appeal themselves. If intervention for this limited purpose is not acceptable then in such event the Motion to Intervene is denied as being untimely and prejudicial. Filed. (FD-J)r (copies mailed)	
8-7-72	Notice of appeal, filed. rm (copies to USCA, USDA, and all parties on docket sheet)	
8-8-72	MINUTE ORDER: Ordered that the Court allows the deft's Supplement to Record. (FD-J)r (Notified by letter)	
8-18-72	Notice of appeal by intervenors, Julie Wilkerson, Jeff Wilkerson, Tina Marie Pickle, Christy Lynn Pickle, Leigh Ann Copeland, Teresa Louise Copeland, Anna Marie Chupp & Peggy Lee Chupp, filed. cpy to USCA, US Atty, Shapiro, Fist. g over	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-21-72	by intervenors, Wilkerson, et al., Bond for costs on appeal filed. / \$250 deposited in Registry of Court. ds	
8-22-72	Bond for costs on appeal of def. Ind. School District #1, as principal, and The Travelers Indemnity Company, as surety, filed. rm	
9-12-72	Defendant-appellant's designation of parts of the record on appeal, filed. g	
9-14-72	Plaintiff-appellee's cross designation of appeal record, filed. g	
9-15-72	Appeal record in 2 vols. (orig. + 3 copies) sent to USCA. g	
9-29-72	Second Annual Report by def. Ind. School District, filed. rm <i>mailed</i>	
11-30-72	Motion to enforce obedience pursuant to Rule 71 filed. h	
11-30-72	Brief in support of motion to enforce obedience to Rule 71 filed. h	
12-1-72	Order, filed in open court, that the Motion to Enforce Obedience Pursuant to Rule 71 is hereby Denied. (FD-J)v	
12-1-72	Hearing held on Motion to enforce obedience pursuant to Rule 71. Petitioners rep by James Goodwin; Okla Secondary School rep by Claud Monneet, and Nick Wilson; Indep. School #1 rep by David Fist. The motion was denied and order was filed (see above), (FD-J)r	
5-4-73	Mandate and Opinion affirming judgment of 7-27-72 (as to both Bd. of Education and Intermenors), filed and spread of record. g	
5-9-73	Appeal record (2 vols.) rec'd from USCA. g	
10-29-73	Third Annual Report of Deft., Independent School District No. 1 of Tulsa Co., OK, filed. v	
12-4-73	Appeal record (8 vols.) returned to USCA at their request. g	
4-24-74	Appeal record (8 vols.) rec'd from USCA. g	
4-25-74	Mandate and Opinion of USCA, reversing judgment of 9/3/71 with directions to vacate its judgment and to initiate further proceedings as may be nec. to establish present conditions & to render judgment in view of such conditions in accord w/decision of Sup. Ct. in Keyes, filed and spread of record. rm	
10-25-74	Order of disbursement, filed, directing Clerk to disburse the sum of \$250.00 to James O. Goodwin as refund of cash appeal bond. (FD-J)hm (copy mailed Goodwin)	
10-29-74	Order for refund of appeal bond, filed, directing clerk to disburse sum of \$250 to Jack L. McNulty as refund of appeal bond. (FD-J)rm	
11-13-74	Fourth Annual Report filed by def., Ind. School Dist. No. 1 of Tulsa Cty., Okla., filed. jj	
12-11-74	Appl. of def., Bd. of Education, permitting Bd. to take certain actions in re Emerson Elementary School, and requesting appl. be set for hrg., filed. rm	
1-29-75	MO: Case set for hrg. on appl. of def. Bd. of Education re Emerson School, for 2/11/75 at 11:00 and set for pre-trial conf. (FD-J)rm	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
2-10-75	Response of US to appl. of def., Bd. of Education, in opposition to appl., filed. rm	
2-10-75	Motion of pltf., US., to implement mandate of 3/29/74 and to add party defs., filed. rm	
2-10-75	Memo. in support of mo/implement mandate & add party defs., filed. rm	
2-10-75	Letter, filed, 2/10/75 from Bill Hamrick, Minister, re opposition to appl., filed. rm	
2-10-75	Letter, 2/10/75, filed, from Carl E. Charter, Chairman, Lombard Area Neighborhood Assn., re appl., rm	
2-11-75	Hearing held on appl. of Def., Bd. of Education, re construction at Emerson School. Parties rep. by counsel of record. Def. granted 15 days to respond to mo/implement mandate and add parties defs. of pltf., w/brief if opposed, and to file up-to-date annual report. Opening statements made re application. Witnesses sworn and testify, def. exhibits admitted. Closing arguments by parties. Ct. directs def., Bd. of Education, to submit at Bd. meeting of 2/19/75 alternative plans suggested by Ct. and to report. Ct. takes application under advisement pending notification by Board. (FD-J)rm	
2-11-75	Exhibits of def., Bd. of Education, filed. rm (in exhibit room)	
2-13-75	Telegram, dated 12/20/74, filed, from Lombard Patrons re Emerson Construction. rm	
2-25-75	Response of defs. to mo/implement mandate, filed. rm	
2-25-75	Response of defs. and memorandum to mo/add party defs., filed. rm	
4-24-75	Amendment to appl. of School Board, re Emerson School, filed. rm	
4-24-75	Order, filed, granting School Board's appl. & amended appl. re Emerson School. (FD-J)rm	
5-5-75	MO: Ordered by the Ct. that this case is set for hearing on motion of pltf. to implement mandate and to add party defendants for 5/16/75 at 1:30 p.m. (FD-J)rm - notice	
5-8-75	Notice of taking depositions of Tom Summers and Weldon Starkey, with list of documents to be required of deponents, filed. g sub issued.	
5-15-75	Depositions of Tom Summers and Weldon Starkey, filed. b	
5-16-75	Hearing held in chambers as informal pre-trial conference. Statements made by parties. Discussion held on how to implement mandate. Def. School Bd. to establish present conditions from Sept., 1971 to May, 1975. Up-date report due from def. in 15 days. Parties directed to file simultaneous briefs within 15 days, re (1) causation and burden; (2) what is compulsion of 'Keyes' on Tulsa School District. Each party granted 10 days thereafter to file reply briefs. Def. directed to file projected 'School Plan for 75-76' within 30 days, to include population, ratio, boundries and busing program. <u>Motion to implement mandate is granted</u> on the basis that def. is to furnish requested information; parties to brief above legal points. Pltf. <u>motion to add party defs. is abated</u> pending application of either party to revive. Case to be set for further pre-trial hearing and/or evidentiary hearing. (FD-J)rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-17-75	Correspondence of 2-13-75 and 6-11-75, Asst. Atty. Gen. to David L. Fist re request for information and date for pretrial, filed. g	
6-23-75	of USA Brief, filed. sw	
6-30-75	Defendants Brief on Behalf of School District, filed. mm	
7-15-75	Appl. of USA for ext. of time in which to file reply brief, filed. rm	
7-17-75	Order, filed, granting USA to 7/18/75 to file reply brief.(FD-J)rm <i>comes</i>	
7-21-75	Reply brief of USA, filed. rm	
8-7-75	Notice of Taking of Depositions, filed.by pltf.jj	
9-3-75	Motion of petitioners, Kieth Troupe, a minor, by and through Mrs. Dorothy Troupe, his mother and next friend, Anthony Barre, a minor, by and through Mr. Leon Barry, his father, Kenneth Easily, a minor, by Mrs. Deloris Easily, his mother, for Ct. to enforce obedience pursuant to Rule 71, filed. rm	
9-3-75	Brief in support of mo/enforce obedience, filed. rm	
10-3-75	Motion of petitioners Troupe, etal, to withdraw mo/enforce, with ORDER of Ct. approving withdrawal.(FD-J)rm-copies md.	
1-21-76	Deposition of Tom Hares, taken on 8-13-75 on behalf of pltf., filed. (\$55.50)g (w/exhibits)	
1-21-76	Exhibits to deposition of Tom Hares, filed. g	
1-21-76	Deposition of Ellsworth Hales, taken on behalf of pltf. on 8-13-75, filed. (\$27.00)g of Lombard School Assn.	
4-1-76	Mot. to intervene, filed.	
4-1-76	Brf in support to intervene filed.t	
4-13	Letter, filed, from FD to School Board and USA, granting them 20 days from 4/12/76 to respond to mo/intervene, w/brief, if opposed.(FD-J)rm	
4-15	Letter, filed, from FD to attys. requesting their suggestions, re proceeding with abated Motion to add parties defs.(FD-J)rm	
4-22	Fifth Annual Report of def., filed. rm	
5-3	Response of defs. in opposition to mo/intervene, w/brief attached, filed. rm	
5-6	Response of USA to mo/intervene of Lombard, filed. rm	
5-6	Brief in support of response of USA, filed. rm	
5-13	Reply brief of Lombard to briefs of pltf. & def., filed, with leave of Court.(FD-J)rm	
5-14	MO: Case set for oral argument on motion to intervene of Lombard School, for Tuesday, June 8, 1976, at 12:00 noon.(FD-J)rm-notices	
5-24	Letter, filed, from David Fist to FD, re deannexation question.rm	
5-24	Notice by pltf. of taking deposition of Weldon Starkey in Tulsa on 5/27/76, filed. rm	
6-2	MO: Case set for hrg. on pltf. motion to add parties defs. & mo/intervene of Lombard School, for Tuesday, June 8, 1976, at 12:00 noon.(FD-J)rm parties notified by phone & notices	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-2-76	Deposition subpoena returned unserved as to Weldon Starkey at req. of US Atty. g	
6-4-76	Subpoenae, ret. & filed: served Mary Warner Tom Summers, Lucille McAuliffe, Mrs. Dawn Cantwell, Frank Keith, Weldon Starkey and Fred Roundtree on 6-3-76. (USM \$17.12)g	
6-8	Subpoenae, ret. & filed. Served Mrs. Fred J. Loving in Tulsa and T. E. Allen in Pawhuska on 6/7/76. rm	
6-9	Hearing held on 6/8/76 and 6/9/76 on mo/intervene of Lombard & pltf. mo/add parties defts. Parties rep. by counsel of record. Arguments heard. Mo/intervene denied; Ct. suggests that parties proceed in State Court. Ct. to prepare formal order. On mo/add parties, witnesses sworn & testify,; Pltf. Exhs. 1-10 offered & admitted; def. Exhs. 1-2 offered & admitted. Map marked. Oral arguments heard. Parties rest. Ct. directs FF/CL within 20 days. Motion to add parties taken under advisement; and motion abated until U. S. Supreme Court rules on petition for Cert. in Crooked Oaks case in Okla. City.(FD-J) (V. Eddleman-Deputy)(Tim Holmes-CR)rm	
6-9	Plaintiff and Defendant exhibits, filed. rm	
6-10	Letters from pltf. & def., re Crooked Oaks case, filed. rm	
7-6	USA's proposed FF, CL and memorandum in support, filed. rm	
7-7	Defs. proposed FF & CL, filed. rm	
7-9	Letter, filed, from pltf. counsel to FD re FF/C. rm	
9-9	Order, filed, <u>abating</u> pltf. mo/add party defs. until US Supreme Court rules on petition for cert. (FD&J)rm - copies mailed	
9-9	Order, filed, denying motion to intervene of Lombard School.(FD-J)rm copies mailed	
11-8	Sixth annual report, filed. rm	
11-17	Letter, filed, from FD to counsel, re whether ruling should not be made on abated mo/add parties def. since ruling on Crooked Case.(FD-J)rm	
12-10	Letter, from Office for Civil Rights to FD, filed. rm	
12-21	Letter to FD from David Fist, re letter from Office for Civil Rights, filed. rm (copy to pltf. counsel Shapiro per FD)	
1-13-77	Motion of USA for leave to withdraw pending motion to add parties def., filed. rm	
1-13	Memorandum in support of mo/withdraw, filed. rm <i>copies</i>	
1-17	Letters from counsel, filed, re mo/withdraw pending motion.rm	
1-18	Order, filed, granting pltf. leave to withdraw its motion to add parties def.(FD-J)rm-copies mailed	
10-21	Seventh Annual Report, filed. rm	
5/22/79	EIGHTH ANNUAL REPORT. v	

B

DATE	PROCEEDINGS	Date Order or Judgment Note
1979		
✓ 10-16	ORDER, entered, It is ordered that the Tulsa School Dist. should be permitted to implement the attached Plan. All prior Orders are accordingly modified to that extent. The Ct. retains jurisdiction to enter such other & further Orders as the Ct. deems appropriate in the future. (FD-J)ho c/m	
10-29	NINTH ANNUAL REPORT. g	
<u>1980</u>		
11-17	TENTH ANNUAL REPORT.mm	
11-2-81	ELEVENTH annual report of deft, Independent School Dist #1 of Tulsa, Oklahoma. jc	
11-9	MO: CASE set for status conf., Mon., 12/21/81 at 1 p.m.(FD-J)rm-ntc	
12-17	MO: CASE heretofore set for conf. 12/21/81 is stricken, to be reset by the Ct.(FD-J)rm-parties phoned	
<u>1981</u>		
<u>2-5</u>	Ltr. from deft. counsel to pltf. counsel, re furnishing materials req. by Dept. of Justice. rm - c/m Judge D	
11-5	TWELFTH annual report of deft., Independent School Dist #1 of Tulsa, Oklahoma. bb	
<u>1983</u>		
<u>2-9</u>	MO: CASE SET FOR DISPOSITION Fri., 3/11/83, 10 a.m.(FD-J)rm-ntc	
3-7	MO: UPON req. of deft. counsel, no obj. by pltf., hrg. of 3/11/83 is stricken to be reset at later date by the Ct.(FD-J)rm-phoned & ntc.	
10-3	MO: CASE set for disposition for 11/9/83, 10 a.m. in Tulsa.(FD-J)rm-ntc	
11-8	MO: HRG. of 11/9/83 stricken. Order to be submitted to Ct.(FD-J)rm	
11-8	APPL. of deft. for order closing case. rm	
11-10	ORDER entered closing case wo/prej.(FD-J)rm-c/m counsel & FD	
11-28	EXHIBITS & DEPOS returned to parties. hm	

Appl. of Bd. of 12/11/74

Sylvia Drew ~~Melvin L. Lennethal~~
10 Columbus Circle ~~NAACP Legal~~
N.Y., N.Y. 10019 ~~edu. fund inc.~~

~~Curtis Daugherty~~
~~Daniel Rinzel~~ ~~(Jerry Milton)~~

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